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Letter dated 9 March 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached revision to the fourth report from Greece submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Andrey I. **Denisov**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 3 March 2005 from the Permanent Representative of Greece to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

Following your letter dated 1 March 2005 regarding our request to meet with Subcommittee C of the Counter-Terrorism Committee, I would like to submit to you an updated report containing additional information on measures taken by Greece on the implementation of resolution 1373 (2001) (see enclosure).

I would kindly ask you to transmit this information to the other Subcommittee members in view of the examination of draft letter 4 to Greece.

(*Signed*) Adamantios Th **Vassilakis**
Ambassador
Permanent Representative

Enclosure

Updated Greek report to the Counter-Terrorism Committee

A. Effectiveness in the protection of financial system

1.1 The Greek F.I.U has been established by Law 2331/1995, Article 7 and it is continuously upgrading its technical and functional capabilities in order to carry out its legal duties. It is composed of representatives of ministries and relevant authorities (that is 18 members with their alternates) and chaired by a public prosecutor of the Court of Appeals with his alternate. The F.I.U is supported by three full time employees of the Ministry of Economy and finance for the secretarial support. Its members may use the data and the resources of the ministries and authorities they represent in order to enhance the investigation of suspect cases. A new draft law of the Ministry of National Economy and Finance on Money Laundering and Terrorist Financing is to be enacted in the next two months. In this new draft law the Greek FIU is to be appointed as the competent authority for receiving the lists of terrorist and terrorist organization of the CTC and the Common Position of the European Union (931/2001), for tracing, identifying and freezing their assets and property.

1.2 The Bank of Greece which has been designated by Law 3348/2003 as the competent supervisory for money transmitters is finalizing the detailed requirements for the granting of license to provide money/value transfer services.

There are 12 money transmitters already operating in Greece to which a reasonable time (probably 6 months) will be given for obtaining the above mentioned license. Most of the companies already operating in Greece provide their services through credit institutions and bureaux de change.

Bureau de Change have been subject to the supervision of the Bank of Greece since 1997 as provided for by Law 2515/25-7-1997 Article 18 and the Governor's of the Bank of Greece Decision 2440/1-11-99. Regarding the granting of licenses to provide money or value transfer services the Bank of Greece has enacted the Governors Act of the Bank of Greece 2536/4.2.2004 which indicates the criteria and the requirements for the issuance of the license to institutions and/or companies which act as intermediaries for the transfer of funds. Applicants for license must submit, among others:

- Company Charter, accounting activities, legal representative.
- Greece as country of company's base
- Contact information of legal representative
- Specific working capital limits.

Furthermore, Law 2331/1995 defines the surveillance procedures, of the money transmitters institutions and foundations.

1.3 A total number of 753 Suspicious Transaction Reports (STRs) have been reported to the Greek F.I.U and

in particular :

a) by the stock market and securities 12
b) by bureau de change 106

The 549 STRs have been reported by banks, 84 by the Police and other authorities.

All the above mentioned reports have been analyzed and introduced in the data base of the F.I.U. The majority of them have been investigated by the police (for the criminal record of the persons reported), the banks, the registry and the tax authorities.

Twenty cases have resulted in prosecutions.

1.4 The draft law of the Ministry of National Economy and Finance on Money Laundering and Terrorist Financing is to be enacted in the next two months.

By its provisions the crime of Terrorist Financing of Law 3251/2004 is included in the predicate offenses of Money Laundering. The amended legislation which is currently in the process of being ratified will implement the freezing of assets. Thus all the provisions and the mechanism of preventing and combating money laundering can be used for the antiterrorist financing purposes including freezing." The crime of terrorist financing is already included in the Law 3251/2004, and consequently there is the potential of international cooperation in the context of mutual legal assistance.

1.5 With regards to education and training of employees of financial institutions on the subject of Terrorist Financing (T.F.), there is an extensive program of seminars on Money Laundering (M.L.), issues and to relevant issues of T.F. The seminars are organized by the Capital Market Committee and the Bank of Greece. Moreover, the compliance officers of the financial institutions which should report Suspicious Transaction Reports for suspected money laundering are strongly encouraged to study and analyze the Typologies reports, mainly of the FATF, on M.L. and T.F. and to disseminate this information to the employees of the financial institutions. In the Ministry of Justice, and in the context of the education program of the National School of Judges, training includes seminars on money laundering which are attended by both junior and senior judges. At the Ministry of Public Order, specialized personnel of the Special Violent Crime Division (SVCD) and the Security Directorate of the District of Athens (Attika) attend seminars regarding the financing of terrorism and money laundering.

1.6. The anti-terrorist law voted by the Greek Parliament is 3251/2004. Provisions pertaining to money laundering and other terrorist activities are incorporated in the relevant paragraphs of this report.

1.7 National Legislation

Law 3251/2004 (Official Gazette 127/A/9-7-2004) incorporates EU Framework Decision of 13 June 2002 on the European Arrest Warrant, as well as Framework Decision of 13 June 2002 on Combating Terrorism. The same Law incorporated to a great extent, the International Convention for the suppression of funding of terrorism which was already ratified by the Greek Parliament with Act 334/2002 (Official Gazette 168).

Furthermore, a new law will be submitted by the Ministry of Justice to the Greek Parliament in the near future, and will include to the Greek legislation, the Framework Decision of 13 June 2002 on Joint Investigation Teams, the Council Decision of 28 February 2002 establishing Eurojust, the Convention of 29 May 2000 on Mutual Legal Assistance in Criminal Matters Between the Member States of the European Union, and the appendage protocol of 16 October 2001 to the Convention on Mutual Legal Assistance in Criminal Matters between the Member States and the European Union. The Framework decision of 22 July 2003 on the execution of orders freezing Property or evidence will also be included. Additionally, the legislative measure will further include Framework Decision of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime which will be incorporated to the draft law of the Ministry of Economy and Finance.

Law 3251/2004 is divided into four fundamental sections which elaborate, among others, on the incorporation of the fundamental elements of the penal code, and the responsibility of the legal entities.

Ratification of International Conventions

Our country has ratified the following international Conventions:

- With the Legislative Decree 734/1971 (Official Gazette 33,15/2/71), the 14-9-1963 Convention signed in Tokyo, "concerning offences and other similar acts taking place on airplanes".
- With the Legislative Decree 174/1973 (Official Gazette 248, 28/9/73), the International Convention, signed in Montreal, "for the suppression of illegal acts against the safety of civil aviation ".
- With the Legislative Decree 1352/1973 (Official Gazette 74, 31/3/73),the 16/12/1970 International Convention, signed in the Hague "for the suppression of illegal take-over of airplanes".
- In fulfillment of the deriving obligations stemming from the above mentioned two Conventions, the Act 480/1976 (Official Gazette 314 23/11/76) "for the prevention of illicit acts against the safety of aviation", was published.
- With the Act 1368/1983 (Official Gazette 89 8/7/83), the international convention for the prevention and punishment of crimes against the internationally protected persons including diplomatic delegations, was ratified.
- With the Act 1688/1987 (Official Gazette 29 13/3/87), the convention against hostages' arrest, was ratified.
- With the Act 1913/1990 (Official Gazette 177 17/12/90), the Protocol for the suppression of violent acts in airports that serve international civil aviation, was ratified.
- With the Act 2108/1992 (Official Gazette 204 29/12/92), the international convention for the suppression of illicit acts against the safety of shipping and the Protocol for the suppression of illicit acts against the safety of permanent installations on the continental-shelf were ratified.
- With the Act 2264/1994 (Official Gazette 208), the Convention for the stamping of plastic explosives with the intent of their tracking was ratified.
- With the Act 1636/1986 (Official Gazette 106 18/7/86), the Convention for the environmental protection from nuclear material was ratified.
- With the Act 334/2002 (Official Gazette 168), the UN International Convention for the suppression of funding of terrorism was ratified.
- With the Act 3116/2003 the UN International Convention for the suppression of terrorist bombing attacks was incorporated. Ratified into Greek Legislation with L. 3116/2003 (Official Gazette 48A 27.2.2003).

B. As far as the effectiveness of the counter terrorism machinery is concerned, the following is noted:

1.8 Greece has established the adequate mechanisms in order to ensure a high level cooperation with the Authorities of other States, which are engaged in dealing with various aspects of terrorism, including its financing. The competent Greek Security Authorities cooperate on regular basis with the respective authorities of other countries, including investigations for terrorist activities, which are in progress whenever it is estimated appropriate and indispensable. Our country, with respect to the international aspects of terrorism, collaborates with other states in order to effectively confront in common, terrorist activities.

With regard to the exchange of information, the competent Greek Police Authorities may exchange and share information with the corresponding authorities of third states. The sectors of the exchange of information concern the confronting of terrorist incidents, suspect investigation, apprehended-arrested persons and operational measures.

In general terms, no legal restrictions exist, concerning the exchange of information with the authorities of other states, except for the information of personal nature, where the law 2472/1997 "regarding the individual's protection from the handling of personal data" is taken into consideration.

The exchange of information and generally the cooperation with foreign states, as well as the legal measures which incorporate the bilateral and multilateral agreements in police cooperation, take place in harmony wit the spirit of relevant European Union decisions and UN declarations.

Presidential Decree 378/1995 established the Special Violent Crime Division (SVCD), within the Ministry of Public Order, which makes is obligatory for public and private services to provide the public order authorities with information on issues regarding the fight against terrorism.

Presidential Decree 14/2001 appoints the SVCD as the principal Anti-Terrorist Unit with a national competence. Moreover, the State Security Division (SSD) acts as the coordinating body for the institutions that fall under the jurisdiction of the Ministry of Public Order, which however, does not conduct any operational investigations. This division is responsible for the processing of information regarding extremist action, study and analysis of the causes of terrorism and the way for the protection of the state and the instruction of the Services regarding the means and methods of dealing with extremist activity.

1.9 The legislative framework in force, in our country, in the regime of witnesses' protection is anticipated by the law 2928/2001 (article 9 par.2)

- According to paragraph 2 of article 9 of the abovementioned law, the measures of witnesses' protection are provisioned after justified provision of the competent district attorney.
- According to the article 10 of the abovementioned law with a provision of the competent district attorney of the Court of Appeals, the protection measures are provisioned for the district attorney as well, the inquisitor and the judges of the case.
- In the law, the witnesses' immigration from other countries to Greece is not anticipated.
- The Ministry of Public Order is elaborating a relevant presidential decree, providing for special police authority, equipped with adequate trained personnel, which will apply the specific capability (witnesses' protection e.t.c.)
- In Greece, protection measures are implemented for the district attorneys, the inquisitors and the judges of the case of the terrorist groups "17 November" and "E.L.A"

1.10 The Greek police authorities recently eradicated the Greek terrorist groups 17 November anc E.L.A, arresting their members.

-19 members of 17 November were arrested, from whom 15 were sentenced to life imprisonment and to imprisonment of many years, while 4 of them were acquitted due to lack of sufficient evidence.

-4 members of the E.L.A were also arrested, whose trial commenced on Monday 9th of February of the current year.

In addition, according to our files there is no evidence -up today- on individuals involved in the financing of terrorist activities.

1.11 According to the Bank's of Greece Decision 2302/16-5-94, travellers are required upon leaving Greece to declare banknotes and personal cheques, which they are taking out of the Country if their total value exceeds the equivalent of 2.000 Euro and upon entering the equivalent of 10.000 Euro.

1.12 As far as the existing regulations on border controls for suspect individuals or persons alleged for terrorist activities we note the following :

The national Passport Control network is linked with an electronic database. Passport Control officers submit all relevant information for aliens entering Greek territory to this database which serves as a register, as well, for all additional evidence associated with suspect individuals. This database includes inter alia, names of individuals listed in the U.N Security Council lists in accordance with the Resolutions 1267/1999, 1333/2000,1373/2001 and 1390/2002. The Hellenic Police Headquarters has established a data base of persons forbidden from entering the country. Included in this data base are the lists circulated by the UN Security Council. Effective controls are applied also on the issuance of identity papers and travel documents and additional measures have been taken to prevent counterfeiting, forgery, of fraudulent use of identity papers and travel documents. Specifically, in view of the establishment of a new central service of the Hellenic Police for the issuance of the new Hellenic passports, the Hellenic Police Laboratory is setting the technical requirements in order to achieve the most effective protection of the new passport from forgery. The said Laboratory, as the National Contact Point with INTERPOL and EUROPOL and foreign forensic laboratories and law enforcement authorities, maintains a constant flow of information and exchange of experience, leading to more effective measures of detection and suppression of counterfeiting and forgery. Moreover, the Central Unit of the PHOTOPHONE System, situated in the Hellenic Laboratory and connected with the 19 main border passport control in order to examine travel documents of disputed authenticity for examination. A concerted effort is currently taking place in order to supply all the passport control checkpoints in the Hellenic territory with the most technologically sophisticated forgery and counterfeiting detection devices.

1.13 Greece ratified with Presidential Decree 56/2004 (Gazette474/11.2.2004) the amendments of the International Convention for the Safety of Life at Sea 'SOLAS' 74, agreed upon at the Conference of the contracting nations which took place on December 12, 2002. In implementing the above mention Convention, the Ministry of Merchant Marine has already taken the following measures:

Certification of Greek vessels in accordance with ISPS code.

In the context of continuous support of Hellenic Shipping, the prompt inspection and certification of Greek shipping was achieved in accordance with the requirements of the new chapter XI-2 of SOLAS 74 prior to the July 1rst 2004 deadline. This was done in cooperation with the authorized by the Ministry of Merchant Marine and recognized by the EU classification societies

Certification of Greek ports according to the International Security Code of Ships and Port Facilities (ISPS Code)

Greece established a number of "Security Organizations" to carry out the Government's responsibilities under the ISPS. This Security Organization conducted 74 studies of relevant private port facilities. 65 of the 74 facilities met the criteria and the specifications of the ISPS code. The remaining 9 are in the process of being reevaluated. With regards to the larger ports and port facilities of the country, such as Pireaus, Patras, Lavrion, Alexandroupolis, Eleusis, Kavalla, and Thessaloniki, the state is in the final process of appointing the necessary "Security Organizations" to conduct the studies that will indicate the security status of the port. For the ports of Heraklion, Volos, Corfou and Igoumenitsa the biding for the conduct of the studies has been completed, and their approval is pending. It should be noted, however, that while the enforcement of these measures remain pending, the ISPS security Code is fully enforced.

C. With reference to the controls for preventing terrorists from access to weapons, the following should be noted (paragraphs 1.14, 1.15 and 1.16):

The prevention of illegal importation-trafficking-possession and use of weapons' types and explosive materials, constitutes for the competent Greek authorities a matter of top priority and with regard to the achievements of this purpose every possible effort is made.

More precisely, as far as the types of weapons and the explosive materials are concerned, our efforts still have two targets: a) the control of transfers of all types of weapons and explosive materials (manufacture-import-trade-possession-use) and b) the strengthening of the police involvement for tracking down and seizure of illegally imported, possessed and use of such types of weapons.

Regarding the control of the transfer of weapons, the efforts of our Authorities include:

a. Establishing an electronic database, in which all the legally imported-trafficking-possessed types of weapons (weapons, ammunitions) are registered. This database is constantly updated for potential alteration occurring to the possession regime. In the above-mentioned database, apart from the possibility of deriving information concerning the possessors of weapons legally found in our country, also arises the "transfer record" of every weapon, starting from the initial entry in Greece until the final legal user (weapons registry). In the same base are also registered all the seized (confiscated-seized-lost-stolen-reported stolen or found).
b. Implementation, in strict conformity, of the provisions of the law 2168/93 and of the authorized published ministerial decisions to all the persons who are engaged to legitimate activities in the field of weapons (dealers- users-possessors of license and carrying of arms-sentinels' union-sentinels) and continuous monitoring of these actions, with the aim to prevent the dissemination of the legally possessed weapons into illegal markets.
c. Establishment of a minimum rate of inspections per month in every company operating in weapons transfers.
d. Cooperation with other authorities (Coast-guard, Customs, Tax Authorities) and exchange of information with the competent authorities of the countries of origin of the imported types of weapons.

As far as the control of the legally manufactured-trafficking and used explosive materials is concerned, our actions are focused on:

a. The continuous control of the activities of individuals participating in the legal manufacture-storing-disposal-consumption of explosive materials.
b. The implementation of the legislation in force for the explosive materials and mainly the implementation of the provisions concerning the quality of the imported and manufactured explosive materials (certification CE), the provisions' implementation regarding the transport of dangerous commodities (ADR Treaty) , the conditions' compliance for their safe use and the imposition of sanctions for the violators (temporary subtraction or revocation of the possessed licenses).
c. The establishment of a minimum rate of inspections per month, to all the areas of manufacture-storing-trade-consumption of explosive materials, for the confirmation of the explosive materials trafficking in a legal way and for the control of the measures' compliance taken by the experts for the guarding of the explosive materials and for the prevention of cases concerning leaks or accidents. In reference to the confronting of illegally imported-trafficking and possession of types of weapons and explosive materials, controls of wide range are operated (security-order-traffic police-border control and the concealed persecution-passport control-drugs' persecution e.t.c) and for this purpose:
    a. The means of transport and the entry of individuals in our country are checked through the institutional entrance points.
    b. Land Controls and sea borders are carried out with the cooperation of the Coast-Guard Authorities) in order to prevent the illegal importation of armament by persons coming in Greece illegally.
    c. The emerging cases are investigated in depth, for the spotting and uprooting of criminal networks which are activated in the field of illegal explosive materials' and trafficking of weapons.

d. Specific measures are taken in regions where intense problems of trafficking-possession and use of weapons or explosive materials have occurred, in cooperation with the local legal institutions.

e. Economic and technical aid has been provided to states dealing with problems concerning the control of the weapons' trafficking and our cooperation on an international, regional and bilateral level has been reinforced, especially on issues of exchange of information.

f. As far as the plastic explosives are concerned, our country has ratified the Montreal Treaty by Law 2264/94, which enter in force at 21.6.1998 and whose provisions are strictly implemented.